HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

Yokohama, Japan
1 October 1948

UNITED STATES OF AMERICA VS SHIGETSUCHI ASADA
UNITED STATES OF AMERICA VS IETOSHI NODA

Review of the Staff Judge Advocate

1. The attached record of the common trial of Shigetsuchi Asada and Ietoshi Noda, from 24 September 1947 to 29 September 1947, by a Military Commission appointed by paragraph 1, Special Orders No. 221, Headquarters Eighth Army, United States Army, dated 20 September 1947, having been referred to the Staff Judge Advocate, this review is submitted to the Commanding General.

Personal Data Concerning Accused

NAME: Shigetsuchi Asada
AGE: 31
RESIDENCE: Yamaguchi-Ken, Kudamatsu-Shi, Suetake Minamishimo 566, Japan
MARITAL STATUS: Married
RELATIVES: Two brothers
EDUCATION: Tokuyama Middle School, Yamaguchi-Ken
VOCATION: Clerk
MILITARY CAREER: Army from 10 January 1937 to 16 October 1940--Corporal when discharged.

DATE OF CONFINEMENT: 20 November 1945
DATE OF ARRAIGNMENT: 24 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 24 September 1947 to 29 September 1947
DATE OF SENTENCE: 29 September 1947
SENTENCE: CHL for three (3) years
CLEMENCY RECOMMENDED BY COMMISSION: No

NAME: Ietoshi Noda
AGE: 31
RESIDENCE: Motoyama, Shinmei-cho #215, Yamaguchi Prefecture, Onoda City, Japan
MARITAL STATUS: Married
RELATIVES: Father, mother, brother, two sisters
EDUCATION: Graduate of Commercial College
VOCATION: Office worker
MILITARY CAREER: Army from 15 June 1944 to 5 December 1944--Private when discharged.

DATE OF CONFINEMENT: 4 October 1946
DATE OF ARRAIGNMENT: 24 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 24 September 1947 to 29 September 1947
DATE OF SENTENCE: 29 September 1947
SENTENCE: CHL for three (3) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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2. Synopsis of Charges, Pleas, Findings and Legal Sufficiency:

Charges and Specifications:	Pleas	Findings	Legally Sustained
ASADA			
Charge: Accused, at the times and places set forth in the specifications hereto attached, and during a time of war between the United States of America, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War.	NG	G	Yes
Sp 1: At divers times between July 1944 and 15 August 1945, at or near	NG	G	Yes

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Hiroshima Branch POW Camp No. 8, Motoyama, Yamaguchi-Ken, Honshu, Japan, the accused did willfully and unlawfully mistreat John Metters, a British POW, by slapping him, striking him with bamboo sticks, beating him with fists and kicking him, by making him stand at attention for a long period of time with a bucket of water in each hand and forcing him to stand for hours in the sun, by spitting at him, and by otherwise abusing him.				
Sp 2: At divers times between 15 Aug 1944 and 15 Aug 1945, accused did willfully and unlawfully mistreat Leslie Dursley, a British POW, by beating and otherwise abusing him.	NG		G	Yes
Sp 3: At divers times between 15 Aug 1944 and 15 Aug 1945, accused did willfully and unlawfully mistreat Corp. John G. Devine, a British PW, Fusilier T. Bosgra and Corp. H. Van Coenen, Dutch PWs, and numerous other Allied PWs other than as hereinabove stated by slapping them, by striking them with a rifle butt, bamboo sticks, and a wooden sword, by forcing them to stand on a brick until exhausted, by humiliating and harassing them when ill, and by beating and otherwise abusing them.	NG	Guilty, except the words "and numerous other Allied Prisoners of War other than as hereinabove stated", "with a rifle butt", "bamboo stick", "and by beating". Of the excepted words, Not Guilty.		Yes, in part
NODA				
Charge: Accused, at the times and places set forth in the specifications hereto attached, and during a time of war between the United States of America, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War.	NG		G	Yes
Sp 1: Between 19 Jan 1943 and 28 Feb 1943, accused did willfully and unlawfully mistreat Leslie Dursley, a British PW, by striking him with fists and otherwise abusing him.	NG		NG	---
Sp 2: Between 1 Jan 1943 and 30 June 1943, accused did willfully and unlawfully mistreat John Metters, a British PW, by beating, kicking, and otherwise abusing him.	NG		G	Yes
Sp 3: At divers times between 1 Mar 1943 and 1 July 1943, accused did willfully and unlawfully mistreat Leslie Dursley, a British PW, by beating, kicking, and otherwise abusing him.	NG		G	Yes
Sp 4: In or about the latter part of 1943, accused did willfully and unlawfully mistreat Leslie Dursley, a British PW, by beating, kicking, and otherwise abusing him.	NG		NG	---

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Sp 5: In or about the winter of 1944-1945, accused did willfully and unlawfully mistreat John Metters, a British PW, by beating, kicking, and otherwise abusing him.	NG	G	Yes
Sp 6: At divers times, between 1 Jan 1943 and 15 Aug 1945, accused did willfully and unlawfully mistreat numerous Allied PWs, other than as hereinabove specified by forcing sick and ill PWs to work in coal mines when they were physically unfit to do so, by beating them, by agitating and causing others to mistreat them, and by otherwise abusing them.	NG	NG	---

3. Summary of the Evidence:

a. For the Prosecution:

ASADA

(1) As to Specification 1 (Asada): The accused arrived in Hiroshima Branch Prisoner of War Camp Number 8, Motoyama, Yamaguchi-Ken, Japan, about the middle of 1944 (Pros Ex 22, 24; R 19, 70). The accused struck prisoner of war Metters many times with his fists, bamboo sticks, kicked him, and made Metters and other prisoners of war stand in the boiling sun without hats on; he also made them stand to attention with a bucket of water in each hand for long periods; and he also tormented them by spitting at them (Pros Ex 22; R 19). Prisoner of War Metters was beaten up by the accused on numerous occasions without any provocation--"anybody and everybody was grist to his mill" (Pros Ex 11, 14, 22, 24; R 10, 11, 14, 19, 70).

(2) As to Specification 2 (Asada): The accused slapped Prisoner of War Dursley on the face many times for no apparent reason while "standing on parade", slashed him about the face and body with a dummy sword made of wood, made him do antics on the parade ground, such as saluting him over and over again, bowing to him repeatedly, or standing on a brick until he fell off out of sheer exhaustion, when he would beat him up for failing to obey his order to stand on the brick (Pros Ex 11, 14, 22; R 10, 11, 14, 19).

(3) As to Specification 3 (Asada): The accused hit Prisoner of War Bosgra "without any cause" (Pros Ex 1; R 3); that the accused kicked the shins of Prisoner of War Van Coenen, hit him with the butt end of a rifle, pieces of bamboo, without the least reason (Pros Ex 6; R 7); that the accused beat people up for no apparent reason, "anybody and everybody was grist to his mill", according to Prisoner of War Devine (Pros Ex 11; R 10-11). The accused slashed prisoners of war about the face and body with a dummy sword made of wood, forced them to stand on a brick until exhausted and beat them if they failed to obey, made sick men in bed in the hospital get out and stand at attention, those unable to arise were made to lie at attention in their bed and salute lying down (Pros Ex 14, 19, 22; R 14, 16, 19).

NODA

(1) The accused Noda was found not guilty of Specifications 1, 4, and 6.

(2) As to Specification 2 (Noda): Prisoner of War Metters arrived at Hiroshima Branch Prisoner of War Camp Number 8, Motoyama, Yamaguchi-Ken, Honshu, Japan, on 27 November 1942. In April 1944 Metters was put in the guard room and beaten with a "bamboo cane" and had his legs jumped on. He was "kept in a cell 28 days and subjected to regular beatings" by the accused--that Metters

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had shrapnel wounds across his back and the guards made a habit of striking him across these scars (Pros Ex 7, 9, 17, 20, 21, 23; R 7, 9, 16, 19, 20).

(3) As to Specification 3 (Noda): On 27 November 1942 Dursley arrived at Prisoner of War Camp Number 8, Motoyama, Yamaguchi-Ken, Honshu, Japan (Pros Ex 13; R 12). On 26 March 1943 Dursley attempted to incite a riot among the Koreans who were working in the coal mine with him and as a result he was beaten by a group of guards, one of them being Noda (Pros Ex 13; R 12). The guards used heavy canes 2-3 feet long (Pros Ex 9, 13, 17, 19, 20, 21, 23; R 9, 13, 16, 19, 20).

(4) As to Specification 5 (Noda): In the latter part of 1944 Metters was placed in a cell for "misbehaving down in the mine", and while there was abused by the guards, one being Noda, in that they "thrashed Metters with bamboo sticks, kicked him with their boots on, and struck him with fists and butt end of rifles" (Pros Ex 7, 9, 13, 17, 20, 21, 23, 24; R 7, 9, 12, 16, 19, 20, 70).

b. For the Defense:

NODA

(1) The accused Ietoshi Noda, after being warned as to his rights as a witness took the witness stand and testified under oath in his own behalf (R 21). He served in the Japanese Army from 15 June 1944 to 5 December 1944 (R 22). Thereafter, he was employed as a clerk in Prisoner of War Camp, Hiroshima Number 8, during the periods February 1943 until 5 August 1943 and from 15 January 1945 until the termination of the war (R 22). He knew Prisoner of War Leslie Dursley and he struck him three times with his fists on Dursley's shoulder because in interrogating Dursley about his agitation of Koreans in an independence movement about April 1943, Dursley refused to answer his questions "and it touched my feelings", so as a result he struck him (R 22, 23, 26, 37). He never struck Dursley any other time (R 24). He knew Prisoner of War Metters but he never struck him. However, he had heard that Dursley had been struck at the guardhouse but he was not present (R 24, 25). He denies forcing sick and ill prisoners of war to go to work and further denies striking other prisoners of war (R 25).

Kazuteru Kawanake, after being warned as to his rights as a witness, testified that Noda was employed with him at the Motoyama Mine (R 43). Noda served at the Prisoner of War Camp No. 8 from February 1943 to August 1943 and between the period August 1943 to January 1945 Noda was supervising the Korean dormitory where he had nothing to do with prisoners of war (R 43). Noda served in the Japanese Army from 17 June 1944 to December 1944 (R 43).

ASADA

(1) The accused Shigetsuchi Asada, after being warned as to his rights as a witness, took the witness stand and testified under oath in his own behalf (R 46). He served in the Japanese Army from 10 January 1937 to 16 October 1940 (R 47). From 15 August 1944 to 15 August 1945 he served at the Motoyama Prisoner of War Camp in Yamaguchi Prefecture as a civilian attached to the Army (R. 47). He knew Prisoner of War John Metters, but he never struck him (R 47). He knew Leslie Dursley, but he never mistreated him (R 47, 48). He did not know Corporal John Devine, he did not recall a Dutch prisoner of war named Bosgra, but he did once "lightly" strike a Dutch prisoner of war for smoking in a prohibited area (R 48). He did not recall Dutch prisoner of war Corporal H. Van Coenen (R 48). He once struck an English prisoner of war for eating his box lunch at breakfast time on the instructions of Sergeant Fujii (R 48, 49). He struck another prisoner of war for smoking in an unauthorized area (R 51). When he did strike prisoners of war he struck them with his hands only (R 51). He never kicked nor sent any sick prisoner of war to work (R 51). He never carried a gun, sword--dummy or otherwise, or any instrument that might have been used as a weapon in striking prisoners of war (R 58).

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Ko Osako, after being warned as to his rights as a witness, testified that while in the Japanese Army he served in the capacity as dispatch camp commander at Hiroshima Branch Prisoner of War Camp No. 6 at Motoyama from 27 November 1942 to 27 February 1945 (R 59, 60). Noda was liaison clerk between the company and the camp and sometimes acted in the capacity of interpreter (R 60). Noda questioned Dursley regarding inciting the Koreans in the mines (R 60). He did not see Noda strike Dursley (R 61). Asada worked as a clerk in the office and sometimes worked in the capacity of a guard at the camp (R 61). Neither Asada or Noda mistreated Prisoner of War John Metters (R 61).

Toshihisa Yamamoto, after being warned as to his rights as a witness, testified that he was employed from September 1944 until the termination of the war as a civilian in the general affairs section of Hiroshima Branch Prisoner of War Camp No. 8, Motoyama (R 67, 68). He knows Noda and Asada (R 68). He is presently incarcerated in Sugamo Prison for three years because of mistreating Metters and Dursley and numerous other Allied prisoners of war because he beat them and otherwise abused them (R 68, 69).

4. Opinion:

The commission was constituted by proper authority and had jurisdiction over the accused and of the offenses charged. There is no evidence that the accused were not sane at the time of the commission of the alleged acts or at the time of the trial. Accused were given a fair trial, were ably defended, cooperated in their own defense, produced witnesses in their own behalf, took the witness stand in their own defense, and were given ample opportunity for search and scrutinization of the documentary evidence submitted against them.

The record is legally sufficient to support the findings of the commission. No ruling of the commission is deemed to affect adversely the substantial rights of the accused.

5. Recommendations:

Request for clemency has been filed on behalf of the accused Noda by Motohiko Takei of Motoyama Coal Mine, Ube Kosan Kabushiki Kaisha. This has been read and carefully considered.

Each accused was found guilty of three specifications charging them with mistreating and beating prisoners of war. The evidence produced by the prosecution proves beyond a reasonable doubt the criminal responsibility of each accused for the acts alleged. Therefore, clemency is not warranted in this case. Each accused was sentenced to confinement for three years. The findings of guilty and the sentences should be approved. In consonance with present policy due to the length of time the accused Asada and Noda have been in confinement, it is further recommended that in the case of Asada nineteen and one-half (19½) months of the sentence be remitted and in the case of Noda nine (9) months of the sentence be remitted. Sugamo Prison, Tokyo, Honshu, Japan, is the appropriate place of confinement.

6. Action:

Forms of action designed to carry these recommendations into effect are attached hereto.

HAYDEN J. PRICE
Captain JAGD
Asst Staff Judge Advocate

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I concur in general.

ALLAN R BROWNE
Lt. Col. JAGD
Staff Judge Advocate

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